

TOOLBOX TALK: LEGALIZED MARIJUANA

Marijuana and Workplace Safety

In 2018, Missouri voters approved a ballot measure to legalize the use of marijuana for medical purposes, and in 2022, state voters approved a ballot measure to legalize recreational use. While marijuana is becoming legal in more states, it still remains an illegal, controlled substance under federal law. Missouri employers may prohibit their employees from being under the influence of marijuana while at work, and they may discipline or terminate employees who attempt to work while under the influence.

Issues surrounding marijuana use, particularly its legal use for medical purposes, are complex and governed by a variety of state and federal laws. Employers should consult with attorneys and workers' compensation insurance providers before making decisions about work rules, workplace safety or employee discipline. Once work rules have been implemented, employers must communicate the rules to employees and enforce them consistently.

HOW WILL MARIJUANA USE AFFECT SAFETY IN THE WORKPLACE?

SAFETY MUST COME FIRST: Decide and clearly state what your drug tolerance policy will be overall and/or for individual job requirements. Review your policy annually.

BUILD A DRUG TESTING POLICY: Consider the methodology (urine, saliva, hair), drug panel(s), establish a Medical Review Officer (licensed physician), and drug testing policy.

TREAT ALL IMPAIRING SUBSTANCES EQUALLY: Intoxicated behavior is not acceptable at work regardless of the intoxicant. Having a medical marijuana card does not allow for a person to be under the influence at work.

PROVIDE IMPAIRMENT RECOGNITION TRAINING FOR LEADERSHIP AND SUPERVISORS: This should address Reasonable Suspicion and Observed Impairment training including documentation requirements. This will become critical for any negative employment action due to being under the influence at work and supported by a positive drug test for Tetrahydrocannabinol (THC), as with any other intoxicating substance.

THE NATIONAL INSTITUTES OF HEALTH AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION NOTE THAT PEOPLE UNDER THE INFLUENCE OF MARIJUANA MAY DEMONSTRATE:

- Sleepiness
- Red or bloodshot eyes
- Strange smell on clothing/body
- Poor judgement or problem-solving
- Difficulty concentrating or remembering information
- Distorted perceptions of sight, sound or time
- Poor motor skills or loss of coordination
- Anxiety or paranoia
- Loss of inhibition/being very sociable or "giggly."

Do you have a question about safety and health?

Contact us and we can assist you in making your workplace safer.

Visit safeatwork.mo.gov

For additional information, please visit:

National Safety Council, www.nsc.org

United States Department of Labor, www.dol.gov

Missouri Department of Health and Senior Services' Cannabis Regulation webpage,
www.health.mo.gov/safety/cannabis/

I have read and understood my company's policy on drug and substance abuse. Even with the legalization of marijuana in Missouri for both medical and recreational use, I understand that it does not allow for me or a co-worker to be intoxicated by any substance while at work. I also understand that there may be additional requirements due to federal laws, safety sensitive job tasks, and individual employer requirements.

COMPANY: _____

DATE: _____

EMPLOYEE NAME:

EMPLOYEE SIGNATURE:

